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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 GEORGE MERCIER,

9 Plaintiff,

10 vs.

11 THE UNITED STATES SECRET  
12 SERVICE, *et al.*,

13 Defendants  
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Case No. 2:06-cv-01174-RLH-GWF

**ORDER**

15 The Court denied Plaintiff's Application to Proceed in Forma Pauperis (#1) and  
16 directed him to pay the filing fee (#2, filed September 28, 2006). Plaintiff has not paid the fee  
17 within the allotted time.

18 "Before dismissing the action, the district court is required to weigh several factors:  
19 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its  
20 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases  
21 of their merits; and (5) the availability of less drastic sanctions." Ghazali v. Moran, 46 F.3d 52, 53  
22 (9th Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of  
23 dismissal. This action simply cannot proceed without Plaintiff first paying the filing fee, and  
24 Plaintiff has not taken the opportunity to do just that. Defendants, who have not appeared, will  
25 suffer no prejudice.

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1 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice  
2 for Plaintiff's failure to pay the filing fee. The Clerk of the Court shall enter judgment accordingly.

3 DATED this 15<sup>th</sup> day of August, 2007.

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6 ROGER L. HUNT  
7 Chief United States District Judge  
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